GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Integrated Check Post of Commercial Tax Department, Purushottapuram, Ichapuram Mandal, Srikakulam District on 25-03-2015 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Sri Danala Prakasarao, ACTO, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.742 **Dated:14-09-2020**

Read the following:

1. From DG, ACB, A.P, Lr.C.No.61/DES-VSK/2015, dated:23-02-2017.
2. G.O.Ms.No.266, Revenue (Vig.II) Department, dated:14-09-2020.
3. G.O.Ms.No.267, Revenue (Vig.II) Department, dated:14-09-2020.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another

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person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to
The Chief Commissioner of State Tax, Andhra Pradesh, Eeedpugallu, Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
The Deputy Commissioner, Commercial Taxes, Srikakulam District.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST DANALA PRAKASA RAO, ASSISTANT COMMERCIAL TAX OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO.2/SC.ACB.SKL/2015 OF SRIKAKULAM RANGE.

That Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Check Post, Ichapuram joined in Government Service on 15.07.1986 as Record Assistant in Commercial Taxes Department. Subsequently he was promoted to the rank of ACTO on 01.03.2011 and worked as such at Visakhapatnam Dist. Later he was transferred to integrated check post, Purushottapuram, Ichapuram and he worked as such from 07.11.2014 and committed the following grave misconduct in as much as.

CHARGE -01:

That Sri Danala Prakasarao while working as Assistant Commercial Tax Officer of the integrated check post, Purushottapuram, Ichapuram has failed to verify the vehicles and goods, being transported in the vehicles physically on the intervening night of 24/25.03.2015. He also failed to check the vehicles physically.

CHARGE – 02:

He is being in-charge of the check post in night shift in the absence of Superiors, collected bribe from the crew members of the transport vehicles directly and indirectly through private persons i.e., unauthorized agents. Thus the Govt. Servant Sri Danala Prakasarao, ACTO by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. Servant and thereby contravened Rule 3 (1) (2) & (5) of APCS (Conduct) Rules, 1964.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE- II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST DANALA PRAKASA RAO, ASSISTANT COMMERCIAL TAX OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO.2/SC-ACB/SKL/2015 OF SRIKAKULAM RANGE.

Sri Danala Prakasarao, Assistant Commercial Tax Officer, Integrated Check Post, Ichapuram is a native of Visakhapatnam. His date of birth is 14.08.1960. He joined in Government Service on 15.07.1986 as Record Assistant on 14.05.2007 and as ACTO on 01.03.2011 and worked as ACTO at O/o. CTO, Chinawaltair Circle and O/o. DC(CT) Visakhapatnam District. Later he was transferred to integrated Check Post, Purushottapuram, Ichapuram and he worked as such from 07.11.2014. His basic pay is Rs.23,650/-. He is attaining superannuation on 31.08.2020. Here in after he is referred to as Govt. Servant.

FACTS AND EVIDENCE:

Brief facts are that on receipt of credible information that the employees of Integrated Check Post, Purushottapuram (Ichapuram), Srikakulam District were indulging in corrupt practices habitually by colleting illegal gratifications directly and also through private persons by abusing their official positions from the crew members/owners of the vehicles, whose vehicles are passing through the checkpost, without conducting physical verification of the vehicles and goods being transported and connected records of the vehicles and not collecting authorized fees/tax dues and fines for the violations from the owners and crew members of the vehicles and causing huge loss to the Govt. exchequer for their personal gain, the DSP, ACB, Srikakulam Range organized surprise check on the Check Post in the presence of mediators with the assistance of officers and staff of ACB, Srikakulam, Vizianagaram and Dist. Armed Reserve, Srikakulam District on the intervening night of 24/25.03.2015 and the mediators prepared the proceedings from 23.15 hrs to 24.03.2015 to 07.30 hrs on 25.03.2015.

The DSP secured the presence of 9 unauthorized private persons who were present on the other side of Transport Department and Commercial Department counters. Then the Inspectors caught hold of following persons. Out of the, the persons in S.No. 1 & 2 were standing at user charges counter of Commercial Tax Department and the persons in S.No.5 & 6 were standing at the Transit pass counter and 7 to 9 were standing at the incoming and outgoing counter of Commercial Tax Department and an amount of Rs.7,350/- was found in their possession.

When the DSP, ACB, Srikakulam questioned about the possession of the cash with them and their presence at the counters without valid reason, they categorically stated that they are acting as brokers for the staff of the check post since long time. Their duty is to approach the vehicle drivers get the records from the vehicles and get their work done i.e., paying taxes, getting receipts, stampings of the departments and etc works without showing all concerned records by collecting bribes ranging from Rs.50/- to Rs.1000/- on behalf of the check post staff. They also stated that they usually handover the collected bribe amounts to the concerned officials at the end of the shift. At the time of raid by ACB they were present at the counters to help the crew members of the transport vehicles to get the stamping and collect the bribe amount. Due to the involvement of these private persons the staff of the check post are stamping the records as a routine without physical verification of the vehicles and without scrutinizing the records of the vehicles, violating the guidelines of the departments concerned. The written statements of the above unauthorized private agents were not recorded in the presence of the mediators for the purpose of further enquiry.

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Further when the DSP randomly examined the 10 drivers they Categorically stated that it has been a regular process for them to come to the Commercial Tax, Transport Department and other department's counters for Stamping. At the time of stamping they simply bring their bills, invoices, way bills, delivery challans and loading passes to the counters and when they pay the bribes ranging from Rs.500/- to Rs.1000/- to the staff of the check post, the staff affix the stamp on the way bills of their vehicle without physically verifying the goods being transported and the vehicles and vehicle records such as Registration Certificate, Fitness Certificate, Insurance Certificate, Pollution under control Certificate, Driving Licenses, Permit and other records pertaining to them.

It is observed that the crew of transport vehicles, passing through NH-16 road, stopping their vehicles at the check post, bringing the way bills, invoices etc. to the check-post counters and voluntarily producing the records before the officials along with bribe amounts ranging from Rs.20/- to Rs.1000/-. The staff of Check Post are simply collecting the user charges and bribes and stamping on the passes submitted by the Drivers/Cleaners instead of physically checking vehicles and the connected records as requited.

The ACB Officials observed the happenings at all the four counters during the period from 03.00 AM to 07.00 AM on 25.03.2015 and noticed that a cash of Rs.92,600/- and Rs.4,550/- were collected at the counters-I (Incoming and Outgoing) & Counter Noll (User Charges) of Commercial Taxes, Rs.4,160/- at the Transport counter and cash of Rs.1,420/- was collected in Agricultural Market Committee counter totaling to Rs.1,02,730/- from the drivers/cleaners of the transport vehicles passing through the check-post.

The DSP seized the said cash suspected to be illegal amount collected at the counters of check-post by officials.

The following are the details of the cash seized by the DSP during the surprise check.

Description	Amount in Rs.
Abandoned cash found in the hall	7,750/-
Collected amount at the counters	1,02,730/-
Secured from the possession of 6 private persons	7,350/-
Total	1,17,830/-

The check post officials are supposed to check each and every vehicle passing through the check post to find out it there are any violation of M.V. Act and rules, Commercial Tax Act etc. The officials are supposes to collect the tax dues and fine amounts accordingly. But they were allowing the vehicles to pass through the check-post without verifying the vehicles and the Vehicle records and collecting bribes thereby causing loss to the Govt. exchequer.

The Government of AP and the Authorities of the departments through various G.Os and Circular Memos have clearly stated that no private person should be allowed in and around the check post premises. Even the employment of private person without authorization is not permissible. The in charge of check post should ensure that a notice board is displayed with the details of the officer to whom any grievance can be made. It is also made clear to the staff of the check post that presence of such persons in the premises of the check post deems that such person is present in the check post to collect bribes on behalf of the staff of the check post.

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The Deputy Commissioner, Commercial Tax Department, Vizianagaram visited the check post on 07.03.2015 and issued instruction that the AO shall ensure no outsider is allowed into the check post building and she must ensure that no money other than that legally permitted, shall be collected in the check post warned that stringent action will be taken against her if the instructions are violated.

The Surprise Check reveals violation of above orders in the form of allowing the private persons to the counters for collecting bribe from the vehicle drivers/cleaners on behalf of the check post.

The Government Servant who is in-charge of the check post did not physically verify the vehicles and the goods being transported as he did not ensure the staff to do so on the intervening night of 24/25-03-2015 and indulged in allowing collection of mamools through his subordinates, from the transport crew ranging from Rs.20/- to Rs.1000/- passing through the integrated check post gave much scope to the staff to indulge in corrupt practices at all levels.

Thus, the Govt. Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. Servant and thereby contravened Rule 3 (1) (2) & (5) of APCS (Conduct) Rules, 1964.

The Govt. Servant has therefore rendered himself liable for regular departmental action.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST DANALA PRAKASA RAO, ASSISTANT COMMERCIAL TAX OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO.2/SC-ACB/SKL/2015 OF SRIKAKULAM RANGE.

1.	Original mediators report dated 24/25-03-2015 from 2300 hrs to 0730 hrs at the Integrated check post, Ichapuram.
2.	Attendance Register.
3.	Duty Register.
4.	Duty Roaster Sheet.
5.	Personal Cash Declaration Register.
6.	Superior officers visiting note book for the period from 20-08-2014 to 07-03- 2015.
7.	Statement of Sri Bosi Simhachalam, S/o Apparao, 35 years, Kaviti agraharam, Nandigam Mandal, Srikakulam District.
8.	Statement of Sri Ravindra Naik, S/o Kailasa Chandra Naik, aged 49 years, Ameersaheb Peta, Ichapuram, Srikakulam District.
9.	Statement of Sri Suggu Syambabu, S/o late Balaji, Aged 55 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
10.	Statement of Sri Danapana Venkatesh, S/o Tirupathi, aged 18 years, Purushottapuram, Ichapuram Mandal, Srikaulam District.
11.	Statement of Sri Silla Meghanadham, S/o Thotadri, aged 42 years, Bellupada, Ichapuram Mandal, Srikakulam District.
12.	Statement of Sri Konathala Parasayya, S/o. Dalayya, aged 33 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
13.	Statement of Ippili Kanaka Raju, S/o Ramulu, aged 49 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
14.	Statement of Srinivas Patro, S/o late Satyam Patro, aged 40 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
15.	Statement of Pasumarthi Ramakrishna, S/o Kotewara Rao, aged 40 years, bit no.3, Phoolbagh colony, Vizianagaram.
16.	Statement of Sri Gunaganti Srinivasa Rao, S/o Seethayya, aged 40 years, Krishnalanka, Vijayawada. Driver of AP 16 TV 6439. Phone: 9949906997.
17.	Statement of Sri Rayudu Yedukondalu, S/o Venkata Reddy, aged 46 years, Ravulapalem, East Godavari District. Driver of AP 16 TC 7559.
18.	Statement of Sri Kalyanam Sai Kiran, S/o Subba Rao, aged 21 years, Mala Cheruvu village, Near Sivalayam, Nalgonda District. Driver of AP 24 TC 2482.
19.	Statement of Sri Bondala Ganesh, S/o Nooka Raju, aged 24 years, Rebaka village, near Anakapalli, Visakhapatnam. Cleaner of AP 05 Y 6339.
20.	Statement of Polisetti Purna Chandra Rao, S/o Venkata Subbarao, aged 50 years, Vuppuvaram village, J. Ponguluru Mandal, Prakasam District. Driver of AP 27 X 3559.
21.	Statement of Sri Mettu Venkata Reddy, S/o Satyanarayana Reddy, aged 26 years, Nallapadu, Guntur District. Driver of AP 07 TU 8444.
22.	Statement of Sri Vanga Eswara Rao, S/o Pedda Kapu, aged 28 years, Mandapeta, East Godavari District. Driver of AP 05 W 2249.
23.	Statement of Sri Vajrapu Laxmana Rao, S/o Narasimhamurthy, aged 48 years, Main Road, Ichapuram. Driver of AP24 TC 4359.
24.	Statement of Sri Danapana Mohana Rao, S/ o Koteswara Rao, aged 24 years, Bhavanipuram, Vijayawada. Driver of AP 05 TT 9996.
25.	Statement of Shaik Nazear, S/o Abbas Ali, aged 41 years, Bhavanipuram, Vijayawada. Driver of AP16TX 5236.
26.	Visiting note book of the officers of Integrated Check Post, Purushottapuram maintained from 20-08-2014 to 07-03-2015.

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27.	Reply from the Administrative officer vide RC.No.7/2015, Dated 05-06-2015.
28.	Reply from the Deputy Commissioner, (CT), Vizianagaram Division vide DCVZM Rc.No.PS/159/2015/A1, dated 20-04-2015.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGES FRAMED AGAINST DANALA PRAKASA RAO, ASSISTANT COMMERCIAL TAX OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO.2/SC-ACB/SKL/2015 OF SRIKAKULAM RANGE.

1.	Sri Pusarla Rajesh, S/o late Ramarao, aged 35 years, Sub Treasury Officer, Divisional Sub Treasury, Srikakulam. R/o Plot No. 12, Near Sai, Baba Temple, Visakha B Colony, Srikakulam.
2.	Sri Vijay Bhaskar Ratho, S/o Gowri Charan Ratho, Senior Accountant, District Treasury, Srikakulam. R/o MIG 446, Old APHB Colony, Near Santhoshimatha Temple, Srikakulam. They speak about their presence as official mediators at the time of surprise check conducted on 24/25-03-2015, from 2300 Hrs on 24.03.2015 to 0730 hrs. on 25.03.2015 at Integrated Check Post Purushottapuram, Ichapuram and observation of happenings at the check post and preparation of proceedings etc facts.
3.	Sri Bosi Simhachalam, S/o Apparao, 35 years, Kaviti agraharam, Nandigam Mandal, Srikakulam District.
4.	Sri Ravindra Naik, S/o Kailasa Chandra Naik, aged 49 years, Ameersaheb Peta, Ichapuram, Srikakulam District.
5.	Sri Suggu Syambabu, S/o late Balaji, Aged 55 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
6.	Sri Danapana Venkatesh, S/o Tirupathi, aged 18 years, Purushottapuram, Ichapuram Mandal, Srikakulam District.
7.	Sri Silla Meghanadham, S/o Thotadri, aged 42 years, Bellupada, Ichapuram Mandal, Srikakulam District.
8.	Sri Konathala Parasayya, S/o Dalayya, aged 33 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
9.	Sri Ippili Kanaka Raju, S/o Ramulu, aged 49 years, Purushottapuram village, Sri Ichapuram Mandal, Srikakulam District.
10.	Sri Srinivas Patro, S/o late Satyam Patro, aged 40 years, Purushottapuram village, Ichapuram Mandal, Srikakulam District.
11.	Sri Pasumarthi Ramakrishna, S/o Kotewara Rao, aged 40 years, bit no. 3, Phoolbagh colony, Vizianagaram. Witnesses 3 to 11 speak that they are private persons engaged by the officials of check post for collecting mamools from the transport crew for stamping on the papers of the vehicles that are being passed through the check post without verifying the records and goods of the vehicles.
12.	Sri Gunaganti Srinivasa Rao, S/o Seethayya, aged 40 years, Krishnalanka, Vijayawada. Driver of AP 16 TV 6439.
13.	Sri Rayudu Yedukondalu, S/o Venkata Reddy, aged 46 years, Ravulapalem, East Godavari District. Driver of AP 16 TC 7559.
14.	Sri Kalyanam Sai Kiran, S/o Subba Rao, aged 21 years, Mala Cheruvu village, Near Sivalayam, Nalgonda District. Driver of AP 24 TC 2482.
15.	Sri Bondala Ganesh, S/o Nooka Raju, aged 24 years, Rebaka village, near Anakapalli, Visakhapatnam. Cleaner of AP 05 Y 6339.
16.	Polisetti Puma Chandra Rao, S/o Venkata Subbarao, aged 50 years, Vuppuvaram village, J. Ponguluru Mandal, Prakasam District. Driver of AP 27 X 3559.
17.	Sri Mettu Venkata Reddy, S/o Satyanarayana Reddy, aged 26 years, Nallapadu, Guntur District. Driver of AP 07 TU 8444.
18.	Sri Vanga Eswara Rao, S/o Pedda Kapu, aged 28 years, Mandapeta, East Godavari District. Driver of AP 05 W 2249.
19.	Sri Vajrapu Laxmana Rao, S/o Narasimhamurthy, aged 48 years, Main Road, Ichapuram. Driver of AP24 TC 4359.

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20.	Sri Mohana Rao, S/o Koteswara Rao, aged 24 years, Bhavanipuram, Vijayawada. Driver of AP 05 TT 9996.
21.	Sri Shaik Nazear, S/o Abbas Ali, aged 41 years, Bhavanipuram, Vijayawada. Driver of AP16TX 5236. Witnesses 12 to 21 are the crew members speak that the cheer post officials used to demand them to pay bribe/mamools ranging from Rs.20 to 1000/- for passing their vehicles through check post without causing any undue obstructions in verification of their vehicle records, permits and other documents.
22.	Sri. N. Srinivasarao, Deputy Commissioner, Commercial Taxes, Vizianagaram Division. He speaks about the visit of the check post on 07-03-2015 and his instructions.
23.	Sri D. Ramesh, ACB, Vizianagaram Range.
24.	Sri S. Laxmoji, ACB, Vizianagaram Range. Witnesses 23 & 24 are the ACB officials and they speak to the facts of their assisting to DSP, ACB, Srikakulam Range in the surprise check, conducted on 24/25-03-2015 on the Integrated Check Post, Purushottapuram, Ichapuram and their observation in disguise during the surprise check at commercial tax counters, agricultural market committee counter and transport counter and collection of mamools from the transport drivers and etc facts.
25.	Sri. Ch. Laksmipathi, Deputy Supdt. of Police, ACB, Srikakulam Range. He speaks to the facts of his supervision of surprise check conducted on the Integrated Check Post, Ichapuram from 2300 Hrs on 24.03.2015 to 0730 hrs on 25.03.2015 and about the collection of mamools by the officials of check post from the transport drivers, seizure of amount and relevant documents and registers during the proceedings etc., facts.
26.	Sri. K. Ranga Raju, Deputy Supdt. of Police, ACB, Srikakulam Range. He speaks to the facts of his supervision of surprise check conducted on the Integrated Check Post, Ichapuram from 2300 Hrs on 24.03.2015 to 0730 hrs on 25.03.2015 and about the collection of mamools by the officials of check post from the transport drivers, seizure of amount and relevant documents and registers during the proceedings etc., facts.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER